

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTONIO ONATE, JR., on behalf of himself and all
others similarly situated,

Plaintiff,

- against -

ORDER

AHRC HEALTH CARE, INC., and CARE DESIGN
NY, LLC,

20-CV-8292 (LGS)(KNF)

Defendants.

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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

By a letter appearing at Docket Entry No. 64, the plaintiffs “alert the Court” that the defendant has not produced electronically stored information (“ESI”), as required by the scheduling order in this action. See Docket Entry Nos. 55 and 56. The defendant contends that, per the scheduling order, ESI is to be produced on a rolling basis over 60 days.

The schedule jointly proposed by the parties and so ordered by the Court provides that “in the event the parties report a failed mediation, Defendant shall, within 10 days after such report, begin a rolling production of ESI material, which production is expected to be completed within 60 days after its commencement.” Docket Entry No. 55. On October 7, 2021, the plaintiffs reported to the Court that the mediation had failed. See Docket Entry No. 62. Therefore, the defendant was required to begin its ESI production on October 17, 2021, and thereafter produce ESI on a rolling basis for 60 days.

The parties are directed to meet and confer regarding the process and schedule by which the defendant will produce ESI to the plaintiffs. If any ESI-related dispute(s) remains after the parties meet and confer, the parties shall file a joint letter outlining the dispute(s) on or before

November 1, 2021. The letter shall comply with Rule 2(A) of the undersigned's Individual Rules of Practice.

Dated: New York, New York
October 22, 2021

SO ORDERED:



KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE